

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JERON D. BROWN § No. 506, 2009
FOR A WRIT OF MANDAMUS §

Submitted: September 14, 2009

Decided: September 17, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 17th day of September 2009, it appears to the Court that:

(1) The petitioner, Jeron D. Brown, seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of mandamus¹ to compel the New Castle County Prothonotary to provide him with copies of documents relating to his January 2004 arrest in Criminal Identification Number VN9508078902. The State of Delaware has filed an answer requesting that Brown's petition be dismissed. We find that Brown's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) The record reflects that, in July 1996, Brown was found guilty by a Superior Court jury of Burglary in the Third Degree, Misdemeanor Theft, and Criminal Mischief. This Court affirmed Brown's convictions on

¹ Del. Const. art. IV, §11(6); Supr. Ct. R. 43.

direct appeal² and affirmed the Superior Court's denial of Brown's two subsequent postconviction motions.³ Brown later was found to have committed a violation of probation ("VOP") with respect to his sentences. In his instant petition, Brown asks this Court to compel the New Castle County Prothonotary to provide him with copies of the January 27, 2004 VOP report and the accompanying arrest warrant in order to "insure that a miscarriage of justice has not occurred."

(3) A writ of mandamus is an extraordinary remedy issued by this Court to compel a trial court to perform a duty.⁴ As a condition precedent to the issuance of the writ, the petitioner must demonstrate that a) he has a clear right to the performance of the duty; b) no other adequate remedy is available; and c) the trial court has arbitrarily failed or refused to perform its duty.⁵

(4) There is no basis for the issuance of a writ of mandamus in this case. As a procedural matter, this Court only has the authority to compel a trial court to perform a duty.⁶ Even if considered on the merits, Brown has failed to demonstrate that the Prothonotary has arbitrarily failed or refused to

² *Brown v. State*, Del. Supr., No. 534, 1996, Holland, J. (Mar. 2, 1998).

³ *Brown v. State*, Del. Supr., No. 388, 1998, Veasey, C.J. (May 21, 1999); *Brown v. State*, Del. Supr., No. 168, 2000, Veasey, C.J. (Dec. 13, 2000).

⁴ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

⁵ *Id.*

⁶ *Id.*

perform a duty clearly owed to him---that is, to provide copies of documents relevant to an incident that occurred almost six years ago and for which Brown has shown no particularized need. As such, Brown's petition for a writ of mandamus must be dismissed.

NOW, THEREFORE, IT IS ORDERED that Brown's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice